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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,379

06/27/2003

Naoki Fukui

8373.310US01

7984

7590 10/16/2007  
Hamre, Schumann, Mueller & Larson, P.C.  
P.O. Box 2902  
Minneapolis, MN 55402-0902

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10608379	6/27/03	FUKUI ET AL.	8373.310US01

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P.O. Box 2902  
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**EXAMINER**

Dalena Tran

ART UNIT	PAPER
3664	20071012

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

## Office Action Summary

**Application No.**

10/608,379

**Applicant(s)**

FUKUI ET AL.

**Examiner**

Dalena Tran

**Art Unit**

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 7/30/07. As per request, claims 1-2 has been amended, claim 3 has been added. Thus, claims 1-3 are pending.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe et al. (5796936) in view of Letang et al. (6587767).

As per claim 1, Watabe et al. disclose a vehicle meter unit for receiving fault diagnostic information from systems, including an engine control system, an anti-lock braking system and an electric power steering system which have respective CAN controllers forming a communication network in the vehicle and fault diagnostic functions, and displaying the information, vehicle meter unit comprising: a CAN controller for communicating with systems (see column 1, lines 9-28; column 4, lines 12-65; and columns 22-24, lines 52-25), and a control unit for when ignition switch has been turned on, transmitting via said CAN controller a command to perform fault diagnosis to said systems, causing said systems to transmit fault codes based on the command, and directing to display the fault codes (see columns 24-25, lines 26-24).

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Watabe et al. do not disclose when the engine of the vehicle is stopped. However, Letang et al. disclose when the engine of the vehicle is stopped, transmitting via said CAN controller a command to perform fault diagnosis to said systems (see columns 4-5, lines 58-24; and columns 6-7, lines 26-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Watabe et al. by combining when the engine of the vehicle is stopped, transmitting via said CAN controller a command to perform fault diagnosis to said systems for accurately detecting engine failure signals.

As per claim 2, Watabe et al. disclose CAN controllers of system have respective transmitting-receiving functions, and CAN controller of control unit is linked to the respective CAN controller of systems by radio in the vehicle (see column 5, lines 15-64; and columns 9-10, lines 34-52).

4. Claim 3, is rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe et al. (5796936), and Letang et al. (6587767) as applied in claim 1 above, and further in view of Rossow et al. (6493616).

As per claim 3, Watabe et al. disclose a display, and a switch that are linked with the control unit such that the fault codes transmitted from the respective systems can be selectively displayed on the display using the switch under the control of the control unit, wherein the control unit has a diagnosis request transmitter for transmitting the command to perform the fault diagnosis to the systems when the switch has been solely pushed continuously for at least a predetermined period of time with the engine stopped and the ignition switch turned on (see columns 9-10, lines 34-52; and columns 24-25, lines 26-24). Watabe et al. do not disclose liquid crystal display. However, liquid crystal display is well known in the art (see '616, column 6,

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lines 33-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Watabe et al. by combining liquid crystal display for displaying vehicle fault signals.

#### Remarks

5. Applicant's argument filed on 7/30/07 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner  
Dalena Tran

October 12, 2007

